

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MICHAEL R. RHONE,

Plaintiff,

V.

**DEPARTMENT OF CORRECTIONAL
SERVICES, et al.,**

Defendants.

CASE NO. 4:10CV3048

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's Motion to Amend. (Filing No. 6.) In his Motion, Plaintiff re-argues the merits of his claims and requests that the court permit him to amend his Complaint. (Id.) However, the court conducted a detailed initial review and dismissed the Complaint on April 23, 2010, because Defendants are entitled to sovereign immunity. (Filing No. 4.) This matter has been closed for more than three months, and amendment at this stage of the proceedings would be futile.

IT IS THEREFORE ORDERED that: Plaintiff's Motion to Amend (Filing No. 6) is denied.

DATED this 28th day of July, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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